

**Notice of Allowability**

Application No.

10/715,726

Examiner

Rodney B. White

Applicant(s)

SPLANE, ROBSON L.

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Interview on 4/22/2005.
2. ☒ The allowed claim(s) is/are 1-10.
3. ☒ The drawings filed on 18 November 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                       |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|   | 9. <input type="checkbox"/> Other _____.  |

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David L. Davis (#24,812) on April 22, 2005.

The application has been amended as follows:

#### **In the Claims:**

1. (Twice amended) A lifting toilet chair, comprising:

a base frame including an upstanding framework having a generally rectangular horizontal open space at its upper end defined by peripheral members;

at least one support member overlying said base frame, said at least one support member being directly pivotally connected to a top front of said base frame and extending rearwardly beyond a top rear peripheral member of said base frame defining said open space;

a toilet seat overlying said open space in a substantially horizontal orientation and being fixedly secured to said at least one support member so

that said toilet seat pivots to a substantially vertical orientation relative to said base frame as said at least one support member pivots relative to said base frame; and

a pair of arm rests laterally flanking said toilet seat, wherein each of said arm rests is coupled at a rearward first point to said at least one support member and is pivotally connected at a forward second point to said base frame, and wherein each of said arm rests has a hand grip portion extending forwardly beyond said second point.

10. (Twice mended) A lifting chair, comprising:

a base frame including an upstanding framework having a generally rectangular horizontal open space at its upper end defined by peripheral members;

at least one support member overlying said base frame, said at least one support member being directly pivotally connected to a top front of said base frame and extending rearwardly beyond a top rear peripheral member of said base frame defining said open space;

a seat overlying said open space in a substantially horizontal orientation and being fixedly secured to said at least one support member so that said seat pivots to a substantially vertical orientation relative to said base frame as said at least one support member pivots relative to said base frame; and

a pair of arm rests laterally flanking said seat, wherein each of said arm rests coupled at a rearward first point to said at least one support member and is pivotally connected at a forward second point to said base frame, and wherein each of said arm rests has a hand grip portion extending forwardly beyond said second point.

The following is an examiner's statement of reasons for allowance: While Logan, Jr. teaches a structure very similar to the present that functions much in the same way, the difference between the two is that the seat (or toilet seat) in Logan Jr. remains in a substantially orientation with respect to the base frame as the support member pivots relative to the base frame while the seat (or toilet seat) in the present invention pivots to a substantially vertical orientation relative to said base frame as said at least one support member pivots relative to said base frame.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

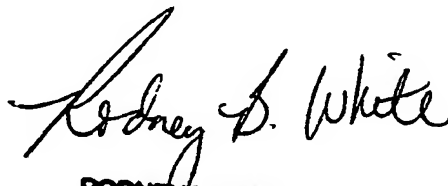
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (571) 272-6863

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rodney B. White,  
Patent Examiner  
Art Unit 3636  
April 22, 2005

  
RODNEY B. WHITE  
PRIMARY EXAMINER